

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-10009-CR-HIGHSMITH(s)

18 U.S.C. § 371

18 U.S.C. § 1503

18 U.S.C. § 1512

26 U.S.C. § 7206(1)

18 U.S.C. § 2

UNITED STATES OF AMERICA

vs.

JAMES HENDRICK and  
JOHN L. "JACK" LONDON,

Defendants.

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**SUPERSEDING INDICTMENT**

The Grand Jury charges that:

**GENERAL ALLEGATIONS**

At all times relevant to this Superseding Indictment:

1. Monroe County was a political division of the State of Florida, encompassing the area known as the Florida Keys.

2. Monroe County was governed by a Board of County Commissioners ("BOCC"), composed of elected members and headed by the Mayor of Monroe County.

3. As part of its official duties, the BOCC considered and voted upon applications for the issuance of building and zoning permits.

4. Defendant **JAMES HENDRICK** was the County Attorney for Monroe County from July 1995 through 2002. As County Attorney, defendant **JAMES HENDRICK** served as legal counsel to the BOCC and had the authority to place items on the BOCC's agenda for zoning hearings and permit approvals.

5. John L. "Jack" London was a Commissioner on the BOCC from 1990 through 1998, and was the Mayor of Monroe County from 1996 through 1998.

6. M.R. was the owner of Halls Resort, formerly known as Halls Dive Shop, a land development project (hereinafter "Halls Resort project") located in Monroe County.

7. R.H. was a political consultant in Miami-Dade and Monroe Counties, who acted as an intermediary between John L. "Jack" London and M.R.

8. In early 1996, to commence operation of the Halls Resort project, extensive renovations were necessary, which required the issuance of several building and zoning permits from the BOCC. To this end, M.R. unsuccessfully attempted to have his applications for building and zoning permits placed on the agenda of the BOCC for consideration and approval.

9. In early 1996, defendant **JAMES HENDRICK** agreed to participate in a kick-back scheme whereby John L. "Jack" London and R.H. would receive payment from M.R. in exchange for BOCC approval of the Halls Resort project.

10. In early 1996, defendant **JAMES HENDRICK** discussed with R.H. requiring M.R. to pay for BOCC approval of the Halls Resort project.

11. On or about March 29, 1996, defendant **JAMES HENDRICK** and R.H. agreed that John L. "Jack" London would receive \$25,000 as payment for his role in procuring the BOCC's approval of the Halls Resort project.

12. On or about March 29, 1996, R.H. informed M.R. that the issuance of the necessary

BOCC building permits for the Halls Resort project could be obtained in exchange for M.R.'s payment to R.H. of \$75,000.

13. From approximately April 1996 through August 1996, M.R. paid R.H. \$75,000 to secure the issuance of building permits from the BOCC for the Halls Resort project.

14. On or about June 19, 1996, defendant **JAMES HENDRICK** used his office as County Attorney to place the Halls Resort project on the BOCC agenda, resulting in the project's approval by the BOCC.

15. In or around November 1997, defendant **JAMES HENDRICK** informed R.H. that due to R.H.'s delay, John L. "Jack" London's \$25,000 share of the kick-back payment had increased to \$29,000.

16. On or about December 5, 1997, R.H. caused the delivery of three cashier's checks, totaling \$29,000, to a law firm in Ireland in satisfaction of a lien on property belonging to John L. "Jack" London in Cork, Ireland.

17. On or about December 5, 1997, R.H. faxed to the office of defendant **JAMES HENDRICK** in Key West, Florida, confirmation of the \$29,000 payment to a law firm in Ireland for the benefit of John L. "Jack" London.

**COUNT 1**  
**Conspiracy**  
**(18 U.S.C. § 371)**

1. Paragraphs 1 through 17 of the General Allegations section of this Superseding Indictment are realleged and incorporated by reference as if fully set out therein.

2. Federal Grand Jury 02-04 (Miami) was empaneled on or about November 8, 2002 in the Southern District of Florida, to a term of service expiring May 8, 2004. Federal Grand Jury 03-01 (Key West) was empaneled on or about August 4, 2003 in the Southern District of Florida,

to a term of service expiring February 2, 2005. The function of these Grand Juries was to investigate allegations of violations of federal criminal laws.

3. On or about January 31, 2003, members of Federal Grand Jury 02-04 (Miami) sitting in Miami, Florida, began an investigation of the allegations contained in Paragraphs 1 through 17 of the General Allegations section of this Superseding Indictment, and other related offenses resulting from those allegations, including but not limited to, possible federal tax violations (hereinafter "the federal investigation"). During the course of the federal investigation, matters were also presented before Federal Grand Jury 03-01 (Key West) sitting in Key West, Florida.

4. From in or around November 2002, the exact date being unknown to the Grand Jury, and continuing through on or about March 27, 2004, at Monroe and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendant,

**JAMES HENDRICK,**

did knowingly and willfully combine, conspire, confederate, agree and reach a tacit understanding with John L. "Jack" London and other persons known and unknown to the Grand Jury to commit offenses against the United States, that is, to knowingly and willfully corruptly influence, obstruct and impede, and corruptly endeavor to influence, obstruct and impede, the due administration of justice, in violation of Title 18, United States Code, Section 1503 and to tamper with a witness in a federal grand jury investigation, in violation of Title 18, United States Code, Section 1512.

**OBJECTS OF THE CONSPIRACY**

5. It was an object of the conspiracy for the defendant **JAMES HENDRICK** to thwart and impede the federal investigation by directing witnesses to provide false statements to the Grand Jury investigating the payment of \$29,000 to John L. "Jack" London and related offenses.

6. It was further an object of the conspiracy for defendant **JAMES HENDRICK** to conceal his knowledge of, and participation in, the \$29,000 payment to John L. "Jack" London.

#### **MANNER AND MEANS OF THE CONSPIRACY**

The manner and means by which defendant **JAMES HENDRICK** and his co-conspirators sought to accomplish the purpose and object of the conspiracy included, but were not limited to, the following:

7. Defendant **JAMES HENDRICK** devised a false explanation to legitimize R.H.'s \$29,000 payment to John L. "Jack" London and to conceal his role in facilitating the payment.

8. Defendant **JAMES HENDRICK** informed R.H. and John L. "Jack" London of the false explanation he devised to legitimize the \$29,000 payment to John L. "Jack" London.

9. Defendant **JAMES HENDRICK** instructed R.H. and John L. "Jack" London to relate to the Grand Jury the false explanation he devised to legitimize the \$29,000 payment.

10. Defendant **JAMES HENDRICK** urged John L. "Jack" London to leave the Southern District of Florida to avoid appearing before the Grand Jury.

#### **OVERT ACTS**

In furtherance of the conspiracy, and to accomplish its objects, at least one of the co-conspirators committed or caused to be committed, in the Southern District of Florida, and elsewhere, at least one of the following overt acts, among others:

11. On or about November 12, 2002, in an interview with agents from the Federal Bureau of Investigation ("FBI"), John L. "Jack" London falsely denied having received money or any unofficial compensation for his actions as a Monroe County Commissioner.

12. On or about July 3, 2003, John L. "Jack" London informed defendant **JAMES**

**HENDRICK** that he had met with agents of the FBI and federal prosecutors on July 2, 2003 and stated that defendant was also a target of the federal investigation.

13. On or about July 7, 2003, defendant **JAMES HENDRICK** told R.H. that John L. "Jack" London had met with agents of the FBI on July 2, 2003 and warned R.H. not to discuss matters over the telephone because their telephones might be "tapped."

14. In or around July 2003, John L. "Jack" London drafted a written false exculpatory statement regarding the nature and source of the \$29,000 payment he received from R.H.

15. On or about August 31, 2003, defendant **JAMES HENDRICK** directed R.H. to falsely state that the \$29,000 payment to John L. "Jack" London was a consulting fee for work London performed in 1995 on a certain real estate development project that required the approval of the City of Key West.

16. On or about March 5, 2004, defendant **JAMES HENDRICK** caused R.H. to fax a Grand Jury subpoena issued to R.H. to defendant **JAMES HENDRICK's** office.

17. On or about March 5, 2004, defendant **JAMES HENDRICK** told John L. "Jack" London the "bad news" that R.H. had received a subpoena to testify before the Grand Jury, and the "good news" that defendant **JAMES HENDRICK's** wife served on the same Grand Jury.

18. On or about March 5, 2004, John L. "Jack" London provided defendant **JAMES HENDRICK** with a written statement falsely identifying the nature and source of the \$29,000 payment he received as having been related to consulting work London performed in 1997 on a real estate project located in the City of Key West.

19. On or about March 7, 2004, defendant **JAMES HENDRICK** invited R.H. to meet with him to discuss matters related to the Grand Jury investigation.

20. On or about March 8, 2004, defendant **JAMES HENDRICK** conveyed to R.H. the contents of the revised false exculpatory statement that he had devised, provided R.H. with documents to prepare R.H.'s anticipated Grand Jury testimony, and directed R.H. to falsely testify that he and defendant **JAMES HENDRICK** had not traveled to Amsterdam together.

21. On or about March 8, 2004, defendant **JAMES HENDRICK** directed John L. "Jack" London to revise the false exculpatory statement regarding the nature and source of the \$29,000 bribe payment.

22. On or about March 12, 2004, John L. "Jack" London delivered a revised written draft of the false exculpatory statement to defendant **JAMES HENDRICK**.

23. On or about March 17, 2004, defendant **JAMES HENDRICK** met with John L. "Jack" London and advised London to leave the Southern District of Florida and travel to Ireland to avoid appearing before the Grand Jury.

24. On or about March 27, 2004, John L. "Jack" London attempted to leave the jurisdiction by flying to Ireland.

All in violation of Title 18, United States Code, Section 371.

**COUNT 2**  
**Obstruction of Justice**  
**(18 U.S.C. § 1503)**

1. Paragraphs 1 through 17 of the General Allegations section and paragraphs 7 through 10 of the Manner and Means Section of Count 1 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From in or around February 2003, the exact date being unknown to the Grand Jury, through on or about March 27, 2004, at Monroe County, in the Southern District of Florida, and

elsewhere, the defendant,

**JAMES HENDRICK,**

did knowingly, willfully and corruptly influence, obstruct and impede and endeavor to influence, obstruct and impede the due administration of justice in the United States District Court for the Southern District of Florida, in that the defendant directed witnesses to lie to members of a Federal Grand Jury investigating the payment of \$29,000 to John L. "Jack" London and related offenses.

All in violation of Title 18, United States Code, Sections 1503 and 2.

**COUNT 3**  
**Witness Tampering**  
**(18 U.S.C. § 1512)**

1. Paragraphs 1 through 17 of the General Allegations section and paragraphs 7 through 10 of the Manner and Means Section of Count 1 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From in or around February 2003, the exact date being unknown to the Grand Jury, through on or about March 27, 2004, at Monroe County, in the Southern District of Florida, and elsewhere, the defendant,

**JAMES HENDRICK,**

did knowingly, willfully and corruptly persuade and attempt to persuade another person, that is, R.H., with intent to influence, delay and prevent the testimony of R.H. in an official proceeding, that is, a proceeding before members of Federal Grand Jury 02-04 (Miami) and Federal Grand Jury 03-01 (Key West) investigating the payment of \$29,000 to John L. "Jack" London and related offenses.

All in violation of Title 18, United States Code, Sections 1512(b)(1) and 2.



**COUNT 4**  
**Witness Tampering**  
**(18 U.S.C. § 1512)**

1. Paragraphs 1 through 17 of the General Allegations section and paragraphs 7 through 10 of the Manner and Means Section of Count 1 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From in or around February 2003, the exact date being unknown to the Grand Jury, through March 27, 2004, at Monroe County, in the Southern District of Florida, and elsewhere, the defendant,

**JAMES HENDRICK,**

did knowingly, willfully and corruptly persuade and attempt to persuade another person, that is, John L. "Jack" London, with intent to influence, delay and prevent the testimony of John L. "Jack" London in an official proceeding, that is, a proceeding before members of Federal Grand Jury 02-04 (Miami) and Federal Grand Jury 03-01 (Key West) investigating the payment of \$29,000 to John L. "Jack" London and related offenses.

All in violation of Title 18, United States Code, Sections 1512(b)(1) and 2.

**COUNT 5**  
**Making and Subscribing a False Return**  
**(26 U.S.C. § 7206(1))**

1. On or about April 15, 1998, at Monroe County, in the Southern District of Florida, and elsewhere, the defendant,

**JOHN L. "JACK" LONDON,**

a resident of Key West, Florida, did willfully make and subscribe a U.S. Individual Income Tax

Return, Form 1040, for the calendar year 1997, which was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service, which Income Tax Return defendant JOHN L. "JACK" LONDON did not believe to be true and correct as to every material matter, in that defendant JOHN L. "JACK" LONDON falsely indicated on Form 1040, Line 38 that his joint taxable income for calendar year 1997 was \$128, 284, when in truth and in fact and as the defendant then and there well knew and believed, his joint taxable income for the calendar year 1997 was substantially in excess of that amount.

All in violation of Title 26, United States Code, Section 7206(1).

A TRUE BILL

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FOREPERSON

  
MARCOS DANIEL JIMENEZ  
UNITED STATES ATTORNEY

  
CHRISTOPHER J. CLARK  
ASSISTANT UNITED STATES ATTORNEY

 by   
NOEL L. HILLMAN  
CHIEF, PUBLIC INTEGRITY SECTION  
UNITED STATES DEPARTMENT OF JUSTICE

  
BRENDA K. MORRIS  
DEPUTY CHIEF, PUBLIC INTEGRITY SECTION  
UNITED STATES DEPARTMENT OF JUSTICE